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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,831	09/26/2000	Gordon Wayne Dyer		4367

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04/15/2002

Gordon Wayne Dyer  
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EXAMINER

HARAN, JOHN T

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 04/15/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

MF 10

<b>Office Action Summary</b>	Application No. 09/669,831	Applicant(s) DYER, GORDON WAYNE	
	Examiner John T. Haran	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19, 21-23, 26-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-19, 21-23, 26-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 2/13/02. It is noted that some of the claims of the marked up copy of the amendment filed on 2/13/02 did not correspond with the clean copy of the claims of the amendment filed on 1/16/02. The clean claims of the amendment filed on 1/16/02 were entered. As a result claims 38-40 of the marked up copy are actually claims 37-39 of the clean copy and there was no corresponding claim in the clean copy to the marked up claim 37. In other words, the claim numbers of the clean copy of the amendment filed on 1/16/02 are referred to throughout this action.

### ***Claim Objections***

2. Claims 26, 30, 31, 32, 38, and 39 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 15-18 and 35-36. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-19, 21-23, 26-32, and 34-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 15, 19, and 26, it is unclear that the particular shape of glass has a margin and a center. As currently worded, the glass has a margin and a center prior to forming. The same problem exists with respect to the plastic shape. In the remaining part of the claim, it is unclear if the terms "glass" and "plastic" refer to the formed glass and plastic shapes or to the glass and plastic materials used to form these shapes. It is also unclear for what these claims are a method? A method of making? Manufacturing? Producing?

It is suggested to amend claim 15 as follows:

A method of **making** a glass and plastic composite comprising:

**forming a glass to a particular shape having a center and a margin;**

**forming a plastic to a shape having a center and a margin and wherein the shape is essentially adapted to receive the shape of the formed glass;**

applying sealant ....

applying force to the **formed** glass and the **formed** plastic by placing the **formed** glass and the **formed** plastic into a microwave transparent vise adapted to hold together the **formed** glass and **formed** plastic;

placing the **formed** glass and the **formed** plastic into a vacuum chamber;

applying vacuum pressure to the **formed** glass and the **formed** plastic;

placing ....

applying microwave radiation for a time effective to affix the **formed** glass and the **formed** plastic together whereby the shape of the **formed** glass and the shape of

the **formed** plastic remain substantially unchanged and the center of the glass and the center of the plastic remain devoid of the sealant.

Appropriate changes should also be made to the remainder of the claims.

Regarding claims 35 and 38, these claims say that no sealant is applied to the margin of the glass and no sealant is applied to the margin of the plastic. These limitations are confusing because the claims from which they depend (15 and 26) require that the sealant be applied to both the margin of the glass and the plastic. These are improper claims because you cannot claim a limitation in one claim and then negate the claim in a dependent claim. Claims 35 and 38 should be cancelled.

Regarding claim 26, it is entirely unclear how claim 26 differs in scope from claim 15. Claim 26 has a separate step for placing the glass and plastic in the vise and a separate step for applying force to the vise whereas claim 15 includes both in one step. Both claims require the same steps and limitations. Accordingly, dependent claims 16 and 30, 18 and 31, 17 and 32, 35 and 38, and 36 and 39 also appear to have the same scope.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Kohan (U.S. Patent 5,851,328).

Kohan discloses a method for making plastic/glass laminates for use as an ophthalmic lens by adhering a wafer lens (plastic) to a base or stock lens (glass) (Column 1, lines 5-8). Both the glass lens and the plastic lens are formed to a particular shape with a center and a margin and the plastic lens is formed so the shape is adapted to the shape of the glass (See Figure 1). Adhesive is placed on the plastic lens, the glass lens is placed on top and the two are bonded under pressure with the use of microwave energy to cure the adhesive (Column 14, lines 19-21).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21-23 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Kohan (U.S. Patent 5,851,328).

Regarding the limitations of claims 21-23 and 37, they are well known and conventional in the ophthalmic lens art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize well known and conventional methods for obtaining an ophthalmic lens in the method of Kohan.

***Allowable Subject Matter***

9. Claims 15-18, 26-32, 36, and 39 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter:

It is generally known to eliminate the disadvantages and combine the advantages associated respectively with glass and plastic by forming glass-plastic composites for optical and ophthalmic use (Petcen, US 4543146, col. 1, lines 10-30). It is known to bond optical substrates by providing adhesive between the substrates, placing the substrates in a vacuum chamber, and subsequently setting the adhesive (Wood, US 6106665, Abstract, Fig. 1; col. 3, lines 4-16; col. 4, lines 19-50; col. 9, lines 34-67). It is known to provide pressing means for providing uniform pressure to optical substrates in order to evenly spread adhesive and remove air therebetween without deforming the substrates (Vaughan, US 4927480). It is further known to cure while pressing and that several curing methods are known to be suitable for curing the adhesive, including microwave curing (Kohan, US 5851328; col. 14, lines 14-60, col. 13, lines 30-50). It is also generally well known to use microwave transparent pressing means to allow exposure to microwave radiation while pressing, as evidenced by (Elsner, US 6165300; Abstract; Figs. 2, 4, and 7; col. 4, lines 25-43). However, in combination with the claimed limitations, no teaching or suggestion was found in the prior art of record to **apply sealant only to the margin of the glass and the margin of the plastic**

**whereby the center of the glass and the center of the plastic are devoid of sealant.** In contrast, Kohan, Wood, and Elsner suggest placing the adhesive on the center of a substrate. In particular, these references are directed to forming an even layer of adhesive over the entire interface between the substrates, whereas the claimed method allows a seal to be located in a peripheral, non-optical portion of the composite to minimize interference of the seal with the optical function of the composite. See Abstract of Applicant's specification.

It is also noted that it is generally well known and conventional to have optical fibers with a glass core and a plastic cladding or sheath, as shown for example in Perry (U.S. Patent 4,596,589), however there is no suggestion in the prior art of record to make an optical fiber with the claimed limitations.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



Art Unit: 1733

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

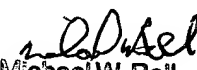
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(703) 305-0052**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
John T. Haran

April 10, 2002

  
Michael W. Ball  
Supervisory Patent Examiner  
Technology Center 1700